NOV - 8 2011

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Richmond Division)

COLONIALWEBB CONTRACTORS COMPANY,

Plaintiff,

v.

ILLINOIS UNION INSURANCE COMPANY,

Defendant.

Civil No. 3:11CV735

NOTICE OF REMOVAL

Defendant Illinois Union Insurance Company ("Illinois Union"), by and through undersigned counsel, hereby provides notice pursuant to 28 U.S.C. § 1446 of the removal of the above-styled action to the Richmond Division of the United States District Court for the Eastern District of Virginia. Illinois Union represents to the Court as follows:

1. On or about October 11, 2011 Plaintiff ColonialWebb Contractors Company ("Colonial Webb") commenced an action in the Circuit Court of Henrico County, Virginia by filing a Complaint styled ColonialWebb Contractors Co. v. Illinois Union Ins. Co., No. CL 2011-2954 (hereinafter, the "Civil Action").

2. Illinois Union was served with the summons and Complaint filed by Colonial Webb on October 18, 2011.

3. Copies of the summons and Complaint are attached hereto as **Exhibit A.**

4. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) because it has been filed within thirty (30) days of receipt by defendant of the initial pleading purporting to set forth the claim for relief upon which the Civil Action is based.

5. The basis for removal is original jurisdiction pursuant to 28 U.S.C. § 1441(a). This Court possesses original diversity jurisdiction over the Civil Action pursuant to 28 U.S.C. § 1332 because, as set forth in the Complaint:

a. Plaintiff ColonialWebb is a citizen of the Commonwealth of Virginia, having been organized under the laws of the Commonwealth of Virginia and maintains its principal place of business in Virginia (Compl. ¶ 1);

b. Defendant Illinois Union presently is—and was at the time of the commencement of the Civil Action—organized and existing under the laws of the State of Illinois and maintains its principal place of business in the States of Illinois (Compl. ¶ 2);

c. Illinois Union is not a citizen of the Commonwealth of Virginia, and no other defendants have been named as parties in the Civil Action (see, generally, Compl.); and

d. the amount in controversy exceeds the sum of $75,000.00, exclusive of interest and costs (Compl. p. 16).

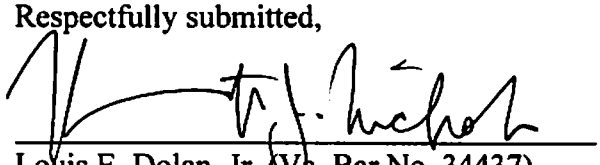
6. This Notice of Removal removes the Civil Action to this Court.

7. Defendant has contemporaneously provided written notice of the filing of this Notice of Removal to the Clerk of the Henrico County Circuit Court, as required by 28 U.S.C. § 1446(d) and to counsel of record in that action.

WHEREFORE, Defendant Illinois Union hereby seeks removal of the Civil Action from the Circuit Court of Henrico County, Virginia, to the Richmond Division of the United States District Court for the Eastern District of Virginia.

Dated: November 7, 2011

Respectfully submitted,



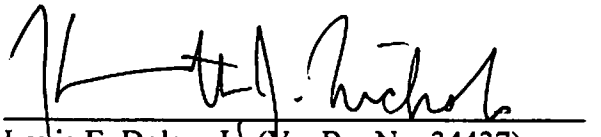
Louis E. Dolan, Jr. (Va. Bar No. 34437)
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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of November, 2011, I caused a true and correct copy of the foregoing Notice of Removal and accompanying Exhibit A, along with a civil cover sheet, by Federal Express, to be served on:

Barry A. Hackney, Esq.
Chandra D. Lantz, Esq.
HIRSCHLER FLEISCHER, P.C.
The Edgeworth Building
2100 East Cary Street
Post Office Box 500
Richmond, Virginia 23218-0500
(804) 771-9500 (telephone)
(804) 644-0957 (facsimile)
Counsel for Plaintiff ColonialWebb Contractors Company

I further certify that on this 7th day of November, 2011, I caused a true and correct copy of the foregoing Notice of Removal and accompanying Exhibit A, along with a civil cover sheet, by Federal Express to be filed as an exhibit to a Notice of Removal to Federal Court with the Clerk of the Civil Division of the Circuit Court of Henrico County.



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